UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/193,646	11/17/1998	JAY PAUL DRUMMOND	D1077+8	2283

28995   7590   10/22/2002

RALPH E. JOCKE
231 SOUTH BROADWAY
MEDINA, OH 44256

EXAMINER
HEWITT II, CALVIN L

ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 10/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

MAILED

OCT 22 2002

GROUP 3600

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Paper No. 18

Application Number: 09/193,646
Filing Date: November 17, 1998
Appellant(s): DRUMMOND ET AL.

Ralph E. Jocke, Reg. No. 31,029
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10 October 2002.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3)   Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4)   Status of Amendments After Final

No amendment after final has been filed.

(5)   Summary of Invention

The summary of invention contained in the brief is correct.

(6)   Issues

The appellant's statement of the issues in the brief is correct.

(7)   Grouping of Claims

Appellant's brief includes a statement that claims 1-33 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8)   Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9)   Prior Art of Record

5,933,816	ZEANAH et al.	8-1999
5,859,419	WYNN	1-1999

(10)   Grounds of Rejection

Claims 1-22 and 33, are rejected under 35 U.S.C. 103(a) as being

unpatentable over Zeanah et al., U.S. Patent No. 5,933,816.

As per claims 1-22 and 33, Zeanah et al. teach a system for delivering

financial services comprising:

- an automated transaction machine with input device and memory

  (figure 1; column/line 5/60-6/10)

- software that controls peripheral devices (e.g. input and output

  devices) such as a card reader (figure 2; column/line 15/51-16/45)

- a computer, with browser software, that is operative to access an

  HTTP address and receive HTML instructions (abstract; figure 1;

  column/line 5/50-6/10; column/line 6/38-7/9; column/line 7/60-9/27;

  column/line 11/27-12/40; column 23, lines 10-37)

- software that operates peripheral devices responsive to instructions

  received at an HTTP address (abstract; figure 1; column/line 5/50-6/10;

  column/line 6/38-7/9; column/line 7/60-9/27; column/line 11/27-12/40;

  column 23, lines 10-37)

- storing transaction data representative of user interaction with

  peripheral devices (e.g. user input to input devices) (column/line 14/42-

  15/10)

- software that access transaction data (column/line 14/42-15/10)

- software that operates peripheral devices responsive to instructions received from a remote server (figures 1-4A; column/line 5/60-6/10; column/line 11/26-12/40; column/line 15/52-16/45; column 24, lines 5-50; column/line 28/40-29/20)

- controlling peripheral devices (e.g. form printer, cash dispenser, card reader) (column 9, lines 6-26; column 13, lines 27-63; column 28, lines 5-24)

- a computer that is able to access instructions using a browser (column 19, lines 18-35; column/line 21/45-22/61)

- a back office processing system that is in connection with the computer and stores transaction data (abstract; figure 1; column 9, lines 20-27; column/line 15/53-16/45; column 17, lines 42-60)

- instructions in the form of an applet (column 19, lines 26-35; column 28, lines 40-48)

- memory that stores transaction data (abstract; figure 1; column 9, lines 20-27; column/line 15/53-16/18)

- accepting identifying data from a user of an automated banking machine (figure 1; column/line 15/52-16/45; column/line 20/28-21/9)

- transferring data between a hand-held device with a processor and an automatic transaction machine (figures 1-4; column 8, lines 17-22)

Zeanah et al. do not explicitly recite printing indicia or multiple servers. However, to one of ordinary skill, it would have been obvious to implement the teachings of Zeanah et al. with the aforementioned features. For example, data may be exchanged over the internet (column 2, lines 30-43; column 6, lines 1-10). Therefore, the use of multiple servers would have been obvious in order to accommodate high user volume. Similarly, apply their system to ATMs and an ATM provides a record of user activity (i.e. receipt), therefore it would have been obvious to one of ordinary skill to provide a user with a paper with an indicia or some other evidence of activity or system use in order to provide a physical verification of a financial activity.

Claims 23-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zeanah et al., U.S. Patent No. 5,933,816 as applied to claims 1 and 11 above, and further in view of Wynn et al., U.S. Patent No. 5,859,419.

As per claims 22-32, Zeanah et al. implement their financial services delivery system using hand held devices such as smart cards and portable computers ('816, figure 1; column 12, lines 1-4; column 16, lines 5-8). Wynn teaches a financial data card for compiling and storing financial transaction records pertaining to a plurality of financial accounts ('419, abstract). The card contains a processor and is in wireless connections with an automated banking machine ('419, figures, 2-5; column/line 4/17-5/28; column/line 5/59-6/24;

column/line 6/45-8/17; column/line 8/43-9/25). Therefore, it would have been

obvious to one of ordinary skill to combine the teachings of Zeanah et al. and

Wynn, in order to allow users to process and track financial data of varying

account types using a portable device ('419, column 2, lines 1-45).

(11)   *Response to Argument*

Initially, the Appellant argues the Examiner's rejection is invalid due to its

reliance on the prior art of Zeanah et al.. In particular, the Appellant claims that

the disclosure of the provisional and its associated non-provisional (i.e. U.S.

Patent No. 5,933,816) application are not enabling (Appeal Brief, page 6, lines

13-18). However, it is the Office's policy that all issued patents are valid,

therefore, the Appellant's arguments attacking the enablement of the Zeanah et

al. patent are moot. Regarding the provisional application, the Appellant's

position is based solely on the inventors' use of conditional words, such as

"should" or "will" (Appeal Brief, page 10, lines 9-15; page 11, lines 3-12).

However, by reading the application, beyond the requirements section, one of

ordinary skill would find ample support for features described in the '816 Patent

such as Mini-App, NetCAT, Dialog, Business, Session, Transaction, Touch Point,

Customer, System and Peripheral Services, Legacy Migration, Rule Broker, and

Tools and Languages (Zeanah et al. Provisional Application, see for example

Table of Contents; '816, column/line 6/11-30/15). Hence, the written description

and drawings of the provisional application adequately support and enable the

subject matter claimed in the non-provisional application and therefore the '816

patent claim to the October 31st, 1996 date is valid.

Claims 1-22 and 33

The Appellant's position regarding the Zeanah et al. reference is that it

fails to teach each and every limitation and feature of the Appellant's claims.

However, the Examiner has addressed this in the Non-Final rejection, dated

March 15th, 2001, paper No. 15, which has been incorporated into the present

document to facilitate it's retrieval and analysis (see section 10, above).

Therefore, in order to avoid unnecessary redundancy, the Examiner will expound

on the ideas expressed in the aforementioned Office Action in hopes of further

clarifying the Examiner's position.

To fix ideas, we will review key concepts that are pertinent to the

Appellant's disclosure. The Appellant defines an *automated banking or*

transaction machine as a device that,

> ... allow customers to charge against accounts or transfer funds... print or
> dispense items of value such as coupons, tickets, wagering slips,
> vouchers, checks, food stamps, money orders, scrip or traveler's checks...
> any device which carries out transactions including transfers of value
> (Specification, page 1, lines 12-18).

Microsoft Press Computer Dictionary, Third Edition defines the following:

HTML-Acronym for HyperText Markup Language, the mark-up language used for

documents on the World Wide Web

HTTP- the client/server protocol used to access information on the World Wide

Web

HTTPS- Web server software for Windows NT

HTTP server or web server- Server software that uses HTTP to server up HTML

documents and any associated files and scripts when requested by a client, such

as a web browser. HTTP servers are used on **web and intranet sites**

Zeanah et al. teach a system and method for delivering financial services

to automated transaction or banking machines. This is clear, in light of the

Appellant's definition (see above) and Zeanah et al. (figure 1; column 3, lines 50-

67). Regarding software that includes first and second objects for controlling

input devices and cash dispensers, the Specification is not meticulous in its

description (Specification, page 12, lines 1-17; page 13, lines 11-15; page 23,

lines 6-13 or paper 12, page 2; page/line 38/19-39/21), however, it would have

been obvious to one of ordinary skill that the Appellant's software objects refer to

"object" in the context of object-oriented programming languages such as Java or

C++ (Specification, page 7, lines 19-22; page 12, lines 1-17). This is in line with

the teachings of Zeanah et al.. Zeanah et al. teach a method and system for

delivering financial services to automated transaction or banking machines over

the internet comprising a web **browser** that handles protocols such as TCP/IP,

HTTPS and FTP ('816, column 6, lines 39-56), supports **HTML** ('816, column 21,

lines 45-52; column 23, lines 26-36). Zeanah et al. teach that financial services

can be delivered to remote devices (e.g. automated banking or transaction

machines- '816, figure 1, column 5, lines 43-60) through an Internet Service

Provider (ISP) or an online service provider, such as through the internet or

World Wide Web ('816, column 6, lines 1-10) using **HTML** to present data ('816,

column 19, lines 27-34; column 23, lines 26-37). Zeanah et al. specifically recite

configuring a remote automated transaction or banking machine by delivering

software instructions from a server for controlling machine peripheral devices (i.e.

accessing instructions at an HTTP address) such as sheet dispenser (e.g. cash

dispenser or form printer) ('816, column 6, lines 22-25; column 9, lines 7-27;

column 24, lines 6-22 and 39-50) or input devices (e.g. touch screen, card

reader) ('816, column 9, lines 7-27). Further, Zeanah et al. teach that object-

oriented languages such as Java or C++ may used to implement the financial

delivery system ('816, column 28, lines 41-48), hence, to one of ordinary skill the

sheet dispenser and input devices are controlled using software objects.

Therefore, contrary to Appellant's assertion, there exists a clear link between

input devices, and peripheral devices in general, and software instructions at a

HTTP address. The presence of this feature in the Zeanah et al. system allows a

server to deliver to a user, any place in the world, via the internet, a "home

screen" and instructions to operate peripheral devices ('816, column 6, lines 22-

25; column 24, lines 5-50). Recall **HTTP** or **HTTPS servers** are used on internet

and intranet sites; a server on the internet needs an address in order to be

receive data and **HTTP** is a communication protocol, therefore, the delivery

system (figure 1; column 24, lines 5-50) in order to provide financial services over

the internet, requires an HTTP address.

The Appellant states that a transaction data object may include

transaction data reflecting a deposit, withdrawal or inquiry (Specification, page

74, lines 9-16). To one of ordinary skill, this is merely an ATM receipt and

Zeanah et al. teach queuing transaction data in order to provide users with a

printed record ('816, column 13, lines 55-58). Further, an ATM receipt displays

indicia (defined by Webster's Ninth New Collegiate Dictionary as "distinctive

marks") that is representative of information which is read from a customer's card

input and read by a card reader such as an account number ('816, column 26,

lines 52-59). In addition, in light of Zeanah et al., it would have been obvious to

one of ordinary skill to print other transaction data on an ATM receipt such as an

ATM identifier, fees, name of the ATM owner, cardholder name, current balance,

and/or amount withdrawn (e.g. data input from a keyboard), as part of a bank's

policy implementation fulfilling business and/or regulatory needs ('816, column

26, lines 52-59) (Note: Transaction data must be stored in order to provide a

printed record of a transaction). Recall that Zeanah et al. implement their system

using object-oriented programming languages such as Java or C++ hence all

components (e.g. transaction data, peripheral devices, users) of the delivery

system of Zeanah et al. that are represented in code are considered "objects".

Regarding multiple software objects and multiple addresses (e.g. claims 5-8), it

has been determined, "... that the mere duplication of parts has no patentable

significance unless a new and unexpected result is produced" (In re Harza, 274,

F.2d 669, 671, 124, USPQ 378, 380 (CCPA 1950).

     The Appellant states that Zeanah et al. do not teach or suggest a printer

(Appeal Brief, page 20, line 1). This is clearly not the case, Zeanah et al. teach

peripheral devices such as form printers and printing transaction records ('816,

column 9, lines 10-15; column 13, lines 55-58; column 24, lines 42-50; column

26, lines 52-59). The Appellant also claims Zeanah et al. do not disclose or

suggest applets or back office systems (Appeal Brief, page 21). Applets are

inherent to web programming. Nonetheless, Zeanah et al. teach implementing

their system using Java and HTML ('816, column 21, lines 45-61; column 23,

lines 26-37; column 28, lines 45-48) and specifically recite delivering data to

remote devices over the internet and using applets ('816, column 6, lies 1-10;

column 19, lines 30-32). Regarding back office systems Zeanah et al. teach

account management, and other customer services ('816, figures 1 and 2;

column/line 15/52-17/35) stored on the delivery system and accessible by a

remote device. Further, Zeanah et al. teach cash withdrawals ('816, column 24,

lines 6-22), therefore to one of ordinary skill this clearly suggests the presence of a back-office system.

Claims 23-32

The Appellant states that Wynn's card does not communicate with an automated transaction machine. However, Wynn's card communicates with an .ATM ('419, column 9, lines 16-24), which by Appellant's definition constitutes an automated transaction machine (Specification, page 1, lines 12-18). Regarding, receipts (i.e. transactional data objects), Wynn teaches printing receipts ('419, column 9, lines 16-24) therefore, it is inherent that transaction data is stored or accumulated in memory in order to be printed. Regarding hand-held devices, to one of ordinary skill, a smart card is a hand-held device as it is a hand held "piece of equipment or mechanism designed to serve a special purpose or perform a special function" (Webster's Ninth New Collegiate Dictionary). Recall, Zeanah et al. teach a system for delivering financial services to remote devices (e.g. automated banking or transaction machines- '816, figure 1, column 5, lines 43-60) through an Internet Service Provider (ISP) or an online service provider, such as through the internet or World Wide Web ('816, column 6, lines 1-10) using a mark-up language such as **HTML** to present data ('816, column 19, lines 27-34; column 23, lines 26-37) and Zeanah et al. specifically recite configuring a

remote automated transaction or banking machine by delivering software

instructions in a an object-oriented language such as Java or C++ from a server

for controlling machine peripheral devices (i.e. accessing instructions at an HTTP

address) such as sheet dispenser (e.g. cash dispenser or form printer) ('816,

column 6, lines 22-25; column 9, lines 7-27; column 24, lines 6-22 and 39-50;

column 28, lines 41-48) or input devices (e.g. touch screen, card reader) ('816,

column 9, lines 7-27). Therefore, the Examiner respectfully disagrees with the

Appellant regarding the combination of Wynn and Zeanah et al., as it would have

been obvious to one of ordinary skill to use the financial data card of Wynn ('419,

column 9, lines 16-24) in order to initiate access of financial services using an

automated banking or transaction machine, such as ATM ('816, figure 1).

(12) Conclusion

Appellant's arguments are not persuasive in that they fail to do not give

fair credit to the level and knowledge of those of ordinary skill, and, more

importantly, what a person of ordinary skill would consider obvious in light of the

teachings of Zeanah et al. and Wynn.

For the above reasons, it is believed that the rejections should be

sustained.

Respectfully submitted,

JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Calvin Loyd Hewitt II
October 17, 2002

Conferees
 James P. Trammell

 Hyung Sough

RALPH E. JOCKE
231 SOUTH BROADWAY
MEDINA, OH 44256